

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MARK BAMBACH et al.,**

**Plaintiff2,**

**Case No. 18-14039**

**v.**

**HON. DENISE PAGE HOOD**

**GINA MOEGLE, et al.,**

**Defendants.**

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**ORDER STAYING CASE**  
**AND**  
**ADMINISTRATIVELY CLOSING CASE**

Defendants Gina Moegle and Susan Shaw filed a Notice of Appeal from the Court's Order granting in part and denying in part the Motion for Summary Judgment. (ECF No. 82) "A denial of summary judgment is generally not a final judgment." *Haynes v. City of Circleville, Ohio*, 474 F.3d 357, 361 (6th Cir. 2007)(quoting *Hoover v. Radabaugh*, 307 F.3d 460, 465 (6th Cir. 2002)). A denial of a motion for summary judgment on the ground of qualified immunity may be appealed as a collateral order where (1) the defendant is a public official asserting the defense of qualified immunity and (2) the issue appealed concerns not which facts the parties might be able to prove, but whether certain alleged facts reflect a violation of clearly established law. *Haynes*, 474 F.3d at 361. The Court will stay the matter until the resolution of the appeal. *See*

*Mithcell v. Forsyth*, 472 U.S. 511 (1985).

Accordingly,

IT IS ORDERED that this action is **STAYED and ADMINISTRATIVELY CLOSED**. The action may be reopened after a party provides the Court with notice that the matter has been remanded and a mandate has been issued from the Sixth Circuit Court of Appeals.

s/Denise Page Hood

DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

DATED: May 2, 2023